

REMARKS

Claims 1-25 have been placed under a restriction requirement under 35 U.S.C. 121 in the above-identified Office Action.

SUMMARY OF THE EXAMINER'S POSITION

Specifically, the Examiner has identified the following inventions:

- I. Claims 1-13, drawn to a method of manufacturing an open porous body for use in a slip casting mold, classified in class 264, subclass 87; or
- II. Claims 14-25, drawn to a slip casting mold for slip casting a powdery material, classified in class 249, subclass 114.1.

The Examiner states the inventions of Group I and Group II are related as process of making and product made.

Additionally, the Examiner has requested a further narrowing of the scope of subject matter under restriction, by demanding a subgroup selection based on whether Group I or II is selected.

DISCUSSION

Applicant respectfully traverses the restriction requirement in the above-identified Office Action, and requests reconsideration and withdrawal thereof. Applicant respectfully suggests that the claims are all drawn to a single inventive concept within the meaning of 37 C.F.R. 1.141(b), and should not be subject to restriction.

Even if the Examiner remains convinced that the claims are not all drawn to a single inventive concept, applicant respectfully suggests that all of the pending claims are drawn to closely associated inventions.

In particular, applicant disagrees with and traverses the Examiner's position that it is necessary to select one hardener and one filler from the Examiner's suggested subgroups. Applicant suggests that chemical practice has never required such restrictive narrowing of the claim scope for examination. Applicant requests reconsideration and withdrawal of the Examiner's requirement of restriction to one of subgroups A1-A3, as well as B1-B2.

Applicant respectfully points out that MPEP section 803 states that

"if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

Applicant respectfully suggests that the examination of the entire application would not place a serious burden on the Examiner. Applicant therefore respectfully respects reconsideration and withdrawal of the restriction requirement. If the Examiner is not willing to completely withdraw the restriction requirement, applicant requests reconsideration of the scope of the requirement, and removal of the restriction requirement for all of the subgroups.

However, notwithstanding the above, and in order to comply with Patent Office requirements, applicant elects, with traverse, the group identified by the Examiner as Invention II, directed to the method of manufacturing an open porous body for use in a slip casting mold. It is applicant's understanding that Claims 1-13 are drawn to the elected species.

Applicant respectfully points out that the hardeners of subgroups A1 and A3 are chemically similar to one another.

Applicant further elects, with traverse, the hardener subgroup identified by the Examiner as A1, directed to the polyamide-based resin. Applicant also elects, with traverse, the filler subgroup identified by the Examiner as B2, directed to the aluminum hydroxide filler.

Applicant respectfully reserves the right to petition for reconsideration of the present restriction requirement, which is believed to be overly narrow and unduly burdensome.

CLAIM AMENDMENTS

In the present Amendment, applicant has amended claims 5-10 to change the word "hardener" to --filler-- in each of the amended claims. No new matter is added by this amendment, since it is made to correct a translation error, and since the amended claims are fully supported by the specification, as well as by the Japanese parent application.

If the Examiner has any further questions or comments with regard to Applicant's response to the Restriction Requirement, Applicant encourages him to call applicant's representative at the number listed below.

Respectfully submitted,

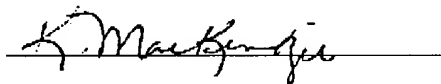


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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted, via facsimile, to Examining Group 1732 of the United States Patent and Trademark Office on April 26, 2004, at the number (703) 872-9306.



JPC/jl